

DRAFT
**MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.**

REGULAR MEETING:

19 August 2003

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Terry Wood, Chief Deputy City Attorney; and Susan E. Crotts, Deputy City Clerk.

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The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The City Manager recognized Tyrone Marsh, employee in the Coliseum Operations Department, who served as courier for the meeting.

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Mayor Holliday outlined Council procedure for conduct of the meeting.

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After Councilmember Phillips read into the record and moved adoption of a resolution honoring the memory of the late William Lonnie Revels, Sr. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

172-03 RESOLUTION HONORING THE MEMORY OF THE LATE WILLIAM LONNIE REVELS, SR.

WHEREAS, on July 10, 2003, this community lost one of its outstanding leaders with the death of William Lonnie Revels, Sr. at the age of 67;

WHEREAS, Lonnie was born in Pembroke July 28, 1935 and graduated from Wake Forest University in 1958 with a degree in Political Science;

WHEREAS, after graduating he went on to serve in the 82nd Airborne Division of the U.S. Army and was a member of the N.C. National Guard Elite Special Forces Unit;

WHEREAS, Lonnie and his wife, Ruth have resided in Greensboro since 1963, where they started the printing business of Arrowhead Graphics, Inc.

WHEREAS, his lifetime dedication to inspiring Native Americans began the night of January 18, 1958, when he helped rout Ku Klux Klan members who had gathered in his home county of Robeson to intimidate Lumbees, steering him to a life dedicated to help fight racism and to be an advocate through politics and working, to create jobs and better living conditions for Lumbees and other minorities throughout the State;

WHEREAS, he was the senior member of the North Carolina Commission of Indian Affairs; served as Chairman of the Commission and was currently serving as chair of the Commission's Economic Development Committee, as well as the newly created Economic Development Initiative; served on the Commission's State Recognition Committee; was founder and a current board member of the Guilford Native American Association; was the District 15 representative for the Lumbee Tribal Council and served on the Board of Trustees of Pembroke State University;

WHEREAS, through his efforts in seeking federal recognition for the Lumbee Tribe, Lonnie was the recipient of numerous local, state and national awards including, the Henry Berry Lowrie Award presented by the Lumbee Regional Development Association, the News & Observer Tarheel of the Week and the Eagle Feather Award, the highest honor that any American Indian can receive;

WHEREAS, being a strong supporter of a district-wide system to elect the Greensboro City Council, Lonnie represented District 5 for two terms beginning in 1983;

WHEREAS, the City Council wishes to express its sense of loss and its sincere appreciation and gratitude for the many years of dedicated public service rendered by William Lonnie Revels, Sr.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the people of Greensboro, a deep sense of loss and a feeling of respect and esteem for the life of William Lonnie Revels, Sr.
2. That a copy of this resolution shall be delivered to the family of William Lonnie Revels, Sr. as a symbol of the gratitude of the people of Greensboro for his outstanding public service.

(Signed) Thomas M. Phillips

Councilmember Phillips noted that Council had recently recognized former Councilmember Revels by dedication of the Freeman Mill Road Greenway and Florida Street Baseball Field.

Mayor Holliday presented copies of the resolution to former Councilmember Revels' wife, Ruth; and his children, Bill Revels and Jennifer Baxter.

On behalf of immediate family members, extended family and friends, Ms. Revels spoke to the pride with which they accepted the resolution. She shared warm memories of her family's life in Greensboro and told stories of earlier recognitions of former Councilmember Revels.

To express the Revel's family's honor, Bill Revels and Jennifer Baxter presented a traditional Native American Indian talking stick to each member of Council. Ms. Revels explained that in its use in tribal council meetings, whoever held the stick could speak, while no one else could speak until the stick was passed.

Council expressed appreciation for these gifts and their honor for former Councilmember Revels.

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On behalf of Council, the Mayor expressed appreciation to Chair Cameron Cooke and members of the Connections 2025 Comprehensive Steering Committee. Mayor Holliday spoke to the tremendous effort of the Committee over the past two and a half years and the importance of the results of their work.

Mr. Cooke thanked Council for the opportunity to serve on the Committee and noted the diverse positions and backgrounds of Committee members; he spoke to the inclusive and consensual process the Committee had followed to create the Plan and advised that the Committee felt the 2025 Comprehensive Plan was balanced, fair and would serve Greensboro well.

Heidi Galanti, Comprehensive Planner with the Planning Department and staff liaison to the Committee, expressed praise and deep appreciation to the Committee for their dedicated and highly appreciated volunteer work.

The Mayor recognized members of the Committee: Cameron Cooke, Chair; Carolyn Allen, Jack Almon, Richard Bowling, Dick Routh, Gunnar Fromen, Paul G. Gilmer, Sr., Ron Mack, Donald McDowell, Joe Quinn, Gail Stroud, Susan Howard Schwartz, Heather Seifert, Bill Stephens, Goldie Frinks Wells, David Sullivan, Ron Wilson, and Art Winstead, Jr. He presented letters of commendation and gifts to Committee members as a token of the City's appreciation.

After Council members expressed their appreciation and enthusiasm for the coming implementation of the Plan, Councilmember Johnson read into the record a resolution of appreciation to the Connections 2025 Comprehensive Steering Plan Committee. Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

173-03 RESOLUTION OF APPRECIATION TO THE CONNECTIONS 2025 COMPREHENSIVE PLAN STEERING COMMITTEE

WHEREAS, the City Council authorized the development of a comprehensive plan for the future growth, development and preservation of Greensboro in 1999; and

WHEREAS, the City Council appointed an 18 person Comprehensive Plan Steering Committee in September, 2000; and

WHEREAS, the Steering Committee met twice a month for 2½ years to develop the plan; and

WHEREAS, the Steering Committee requested and received input from all citizens in the development of a Vision Statement which reflects the values, priorities, and aspirations of the citizens of Greensboro; and

WHEREAS, the Steering Committee used the Vision Statement and feedback from citizens to draft the Comprehensive Plan; and

WHEREAS, the Planning Board and Zoning Commission unanimously recommended approval of the Plan; and

WHEREAS, the Comprehensive Plan Steering Committee only took one vote during those 2½ years and that was to unanimously recommend approval of the Greensboro Connections 2025 Comprehensive Plan to the City Council;

WHEREAS, the City Council unanimously adopted the City's first true Comprehensive Plan "Greensboro Connections 2025 Comprehensive Plan" on May 6, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, on behalf on the citizens of Greensboro, the City Council hereby expresses its appreciation to all members of the Steering Committee for volunteering their time and for their hard work and dedication in the development and adoption of The Greensboro Connections 2025 Comprehensive Plan.

(Signed) Yvonne Johnson

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So that that these matters to be discussed together, the Mayor introduced for a SECOND READING, an ordinance annexing territory to the corporate limits of property located at 1932 Fleming Road-53.84 acres; and an ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RS-12 Residential Single Family for property located on the east side of Fleming Road north of the termini of Norwich Drive, Haven Road and Bledsoe Drive. The Mayor stated that the public hearings for these items had been closed and that both items had received votes of 5-2 on first reading at the July 15, 2003 meeting.

After Councilmember Gatten advised that a related matter would be considered at the September 2, 2003 Council meeting, she moved that the ordinance annexing territory to the corporate limits of property located at 1932 Fleming Road-53.84 acres be continued to the September 2, 2003 Council meeting. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council.

Councilmember Gatten thereupon moved that the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning Conditional Use-RS-12 Residential Single Family for property located on the east side of Fleming Road north of the termini of Norwich Drive, Haven Road and Bledsoe Drive be continued to the September 2, 2003 Council Meeting. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council.

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Mayor Holliday stated that this was the time and place for a public hearing to consider an ordinance annexing territory to the corporate limits of property located at 5010 Burlington Road—10.3 acres and so that these matters could be discussed together, he introduced an ordinance establishing original zoning classification from County Zoning Conditional Use—Light Industrial (and street right-of-way zoned RS30, HI and HB) to City Zoning Conditional District—Light Industrial for property located on the south side of Burlington Road (5010 Burlington Road) including street right-of-way between Royce Circle and Mount Hope Church Road.

Mr. Martin outlined the proposed ordinances and conditions of limited use. He presented a land use map and slides of the property and surrounding area and advised that the Planning Board and Zoning Commission had unanimously recommended the zoning.

The Mayor asked if anyone wished to be heard.

There being no one present who wished to speak to these matter, Mr. Martin provided the following staff recommendation:

Item 10 – Burlington Road

The Planning Department recommends that this original zoning be approved.

This property is the subject of a Utility Agreement and Annexation Petition.

This property was part of a larger tract rezoned by Guilford County in 1995 from Highway Business to Conditional Use – Light Industrial.

The proposed original zoning carries forth the relevant conditions that were established by the County.

However, the original zoning classification is Conditional District – Light Industrial.

This property is in an area designated as Mixed Use Corporate Park by Connections 2025.

The Burlington Road right-of-way part of this request connects two previous satellite annexations - the Shell Food Mart, zoned Limited Business, and Mount Hope United Church of Christ, zoned RS-12, which were annexed in June 2001.

Councilmember Burroughs-White moved adoption of the ordinance annexing territory to the corporate limits of property located at 5010 Burlington Road—10.3 acres. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-187 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5010 BURLINGTON ROAD – 10.3 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing (as of July 31, 2003) Greensboro satellite city limits, said point being the intersection of the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70 and the west line of Lot 1 of Hudson Land subdivision, as recorded in Plat Book 8, Page 38 in the Office of the Register of Deeds of Guilford County; thence in an easterly direction along NCDOT's south line approximately 175 feet to its intersection with the west line of Lot 8 of said subdivision; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS and continuing in an easterly direction with said south line approximately 25 feet to its intersection with the east line of said Lot 8; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS in an easterly direction approximately 460 feet along NCDOT's south line to its intersection with the west right-of-way line of Mount Hope Church Road; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS in a northerly direction approximately 150 feet to the intersection of said west line and the north line of property acquired by the North Carolina Department of

Transportation in order to widen U.S. Highway 70; thence in a westerly direction along said north line approximately 1,300 feet to its intersection with the southeast line of Lot 73 of Hudson Land subdivision; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS in a northeasterly direction approximately 280 feet to the east corner of said Lot 73; thence N 60° 30' W approximately 100 feet along the northeast lines of Lots 73 through 76 of said subdivision to the south right-of-way line of McLeansville Road; thence in a southwesterly direction with said right-of-way line approximately 450 feet to its intersection with the north line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS in a westerly direction along NCDOT's north line 180 feet to a point; thence in a southerly direction, crossing Highway 70, approximately 200 feet to the intersection of the easternmost right-of-way line of Royce Circle with the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70; thence in an easterly direction along NCDOT's south line approximately 500 feet to its intersection with the west line of Lot 2 of Property of Ina E. Holt Estate, as recorded in Plat Book 16, Page 75 in the Office of the Register of Deeds; thence S 28° 14' W with the west line of said Lot 2 approximately 800 feet to the southwest corner of said lot; thence S 71° 51' E 330.67 feet to the southeast corner of Lot 1 of said subdivision; thence N 26° 23' E approximately 750 feet to the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70; thence in an easterly direction with said south line approximately 550 feet to the point and place of BEGINNING, and containing approximately 10.3 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after October 31, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 8/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after October 31, 2003.

(Signed) Claudette Burroughs-White

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Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning Conditional Use—Light Industrial (and street right-of-way zoned RS30, HI and HB) to City Zoning Conditional District—Light Industrial for property located on the south side of Burlington Road (5010 Burlington Road) including street right-of-way between Royce Circle and Mount Hope Church Road. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan; Noes: None.

03-188 AMENDING OFFICIAL ZONING MAP

SOUTH SIDE OF BURLINGTON ROAD (5010 BURLINGTON ROAD) INCLUDING STREET RIGHT-OF-WAY BETWEEN ROYCE CIRCLE AND MOUNT HOPE CHURCH ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Conditional Use – Light Industrial (and street right-of-way zoned RS-30, HI and HB) to Conditional District – Light Industrial

(subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing (as of July 31, 2003) Greensboro satellite city limits, said point being the intersection of the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70 and the west line of Lot 1 of Hudson Land subdivision, as recorded in Plat Book 8, Page 38 in the Office of the Register of Deeds of Guilford County; thence in an easterly direction along NCDOT's south line approximately 175 feet to its intersection with the west line of Lot 8 of said subdivision; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS and continuing in an easterly direction with said south line approximately 25 feet to its intersection with the east line of said Lot 8; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS in an easterly direction approximately 460 feet along NCDOT's south line to its intersection with the west right-of-way line of Mount Hope Church Road; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS in a northerly direction approximately 150 feet to the intersection of said west line and the north line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70; thence in a westerly direction along said north line approximately 1,300 feet to its intersection with the southeast line of Lot 73 of Hudson Land subdivision; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS in a northeasterly direction approximately 280 feet to the east corner of said Lot 73; thence N 60° 30' W approximately 100 feet along the northeast lines of Lots 73 through 76 of said subdivision to the south right-of-way line of McLeansville Road; thence in a southwesterly direction with said right-of-way line approximately 450 feet to its intersection with the north line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS in a westerly direction along NCDOT's north line 180 feet to a point; thence in a southerly direction, crossing Highway 70, approximately 200 feet to the intersection of the easternmost right-of-way line of Royce Circle with the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70; thence in an easterly direction along NCDOT's south line approximately 500 feet to its intersection with the west line of Lot 2 of Property of Ina E. Holt Estate, as recorded in Plat Book 16, Page 75 in the Office of the Register of Deeds; thence S 28° 14' W with the west line of said Lot 2 approximately 800 feet to the southwest corner of said lot; thence S 71° 51' E 330.67 feet to the southeast corner of Lot 1 of said subdivision; thence N 26° 23' E approximately 750 feet to the south line of property acquired by the North Carolina Department of Transportation in order to widen U.S. Highway 70; thence in an easterly direction with said south line approximately 550 feet to the point and place of BEGINNING, and containing approximately 10.3 acres.

Section 2. That the original zoning to Conditional District – Light Industrial is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: All uses permitted in the LI zone.
- 2) No billboards will be erected on the site.
- 3) The 100-year floodplain to remain natural and undisturbed.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-9 Residential Single Family to Conditional District—General Office Moderate Intensity for property located at the southwest intersection of Huffine Mill Road and Balboa Street. He stated this matter being heard on appeal filed by Beryl Battle after receiving a vote of 7-1 by the Zoning Commission to recommend approval of the rezoning.

Mr. Martin outlined the proposal and proposed conditions, presented slides and a map of the surrounding area, and advised that the Zoning Commission had voted 7-1 to recommend the ordinance.

The Mayor asked if anyone present wished to speak to this item.

The following speakers spoke in favor of the ordinance:

Henry Isaacson, attorney with offices located at 101 West Friendly Avenue, stated he represented the Malachi House, the organization that had requested the rezoning. He outlined the structure and goals of the program currently administered by Malachi House located at 800 Bessemer Street to assist men struggling with life issues. Mr. Isaacson discussed the proposed rezoning and presented related information to Council. At his request, a large number of citizens present stood in support of the rezoning request.

Cliff Lovick, residing at 801 Nestleway Drive and Director of the Malachi House, spoke to the goals of the agency's program to serve participants and their families and offered his personal history as an example of the change possible for men with life controlling issues.

Marilyn Green expressed her respect and appreciation of Malachi House residents she knew through their work with her at the Guilford County Animal Shelter. Based on her experience employing Malachi House residents for two years, she expressed confidence in the personal conduct of the program participants and her wishes that they receive a good home in the community.

Goldie Wells, residing at 4203 Belfield Drive, stated she supported the rezoning request; she shared her opinions that the success rate of the program was high and that it was an asset to the community, and requested Council to support the rezoning request.

Toniette Barber, residing at 407-G. East Florida Street, spoke to her personal experience with a family member's drug abuse problems and their transition to a successful life following their participation in the Malachi House program.

Bob Weinburg, residing at 902 Magnolia Street, stated he studied faith-based organizations through his scholastic work and praised the contributions to the community of the Malachi House program. He requested Council to support the rezoning proposal.

Jesse Hempton and Pearline Hempton, residents of Raleigh, North Carolina, stated that they spoke on behalf of their church in support of the rezoning request and reported that they had positive experiences with Malachi House program participants who had worked for them.

The following speakers spoke in opposition to the ordinance:

Beryl Battle, residing at 1523 Huffine Mill Road, presented information purportedly containing signatures of citizens from the area who were purportedly against the rezoning request. Stating that while she supported the Malachi House as an agency, she was opposed to the proposed location of the program participants' residence. Ms. Battle cited other institutional facilities located in her community and her opinion that these were negative factors on her property value.

Demetria Jordan, residing at 1509 Huffine Mill Road, stated that while not against the Malachi House organization, she had concerns about the impact of the rezoning on property values, the number of residents the site would house, and security for the site.

Alisia Pacheco, residing at 1517 Huffine Mill Road, spoke to her history of residence in the community and stated that she lived with her ten year old daughter. Noting instances of concern with respect to behavior of residents at other institutions in her neighborhood, she expressed concern with respect to the proximity of the proposed institution to her home and potential negative impact of this on her family in terms of property values, safety and security. Ms. Pacheco requested Council to deny the request.

Amanda Hairston, residing at 7 Nealtown Way, noted that she was a child and spoke to the present characteristics of the neighborhood enjoyed by children in the community. She expressed fear that people with various criminal behaviors might move into the neighborhood.

The following speakers spoke in rebuttal in favor of the ordinance:

Mr. Lovett spoke to the level of ongoing supervision at Malachi House and methods of providing security for neighborhood residents in the event of program participants quitting the program. He spoke to details of positive community participation through Malachi House's program. Mr. Lovett advised that criteria for participants required that they were not under medical care and were able to work productively. He stated that individuals requiring medication were referred to Mental Health agencies and that there had been no instances at the Malachi House involving police. Mr. Lovett further advised that Malachi House had purchased several houses formerly inhabited by drug users and that this had in his opinion, resulted in an improvement of that neighborhood.

Odell Cleveland, residing in Brown Summit, North Carolina, spoke to his involvement in another faith based organization. He shared his opinions with respect to Malachi House's positive impact on the community.

Jeanette Hampton, residing at 2706 Astor Drive spoke to her experience working with Mr. Lovett and shared her opinion that the Malachi House program would serve as a crime deterrent in the neighborhood.

The following speakers spoke in rebuttal in opposition to the ordinance.

Ms. Pacheco stated that she did not want her neighborhood rezoned and that her neighbors did not approve of the request. She presented a statement against the rezoning purportedly signed by neighbors, spoke to her personal relationships and experiences with drug abusers, and expressed concerns for her daughter's security in the neighborhood, and expressed concern that the number of residents in the proposed home might exceed the legal limit if the request was approved.

Valerie Hairston stated she was a resident of the Nealtown Farms community and had professional experience working with drug addicts, and that she had concern for the safety of neighborhood children if the rezoning was approved.

Councilmember Vaughan moved that the public hearing be closed. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Mr. Martin provided the following staff recommendation.

Item 11– Balboa Street

The Planning Department recommends that this request be approved.

Although shown on the Generalized Future Land Use Map as Low Residential, this parcel is on the edge of the ½ mile radius associated with a potential Major Activity Center.

In this case, such a center involves anticipated future concentrations of uses that function as destinations or hubs of activity for the surrounding area and are intended to include features such as a mix of higher intensity uses, compact development patterns and pedestrian and transit linkages.

This request meets the Connections 2025 policy for increasing initiatives to address the needs of citizens most in need of housing and support services, including the homeless and other special populations.

Approval of this request will allow the church to establish such support services and further its ministry now and in the future.

During Council discussion, Mr. Martin confirmed that a 1/4 mile separation would apply to the rezoning.

Councilmembers Johnson and Burroughs-White spoke to their knowledge of the outstanding record of the Malachi House program with respect to its positive impacts on the lives of participants, the Bessemer neighborhood and resulting reduction in disproportionate minority confinement. Councilmember Burroughs-White encouraged additional discussion between Mr. Lovett and concerned residents of the Balboa Street neighborhood.

Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Gatten; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

SOUTHWEST INTERSECTION OF HUFFINE MILL ROAD AND BALBOA STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-9 Residential Single Family to Conditional District – General Office Moderate Intensity (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the southern right-of-way line of Huffine Mill Road; thence along said southern right-of-way line N69° 36'05"E 553.91 feet to a point in the western right-of-way line of Balboa Street; thence along said western right-of-way line S00° 06'38"W approximately 885 feet to a point, said point being in the line of the J. Robert Landreth Subdivision as recorded in Plat Book 8, Page 80 in the Office of the Guilford County Register of Deeds; thence along the line of the J. Robert Landreth Subdivision N89° 27'16"W 443.13 feet to a point, said point being Evangel Word Ministries, Inc.'s present southwest corner; thence N08° 30'00"E 329.73 feet to a point; thence N17° 38'00"W 401.00 feet to the point and place of BEGINNING.

Section 2. That the rezoning of RS-9 Residential Single Family to Conditional District – General Office Moderate Intensity is hereby authorized subject to the following use limitations and conditions:

- 1) Uses: The use of the property shall be limited to a group care facility, church and day care facility

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

(Signed) Thomas M. Phillips

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Mayor Holliday announced that the City had shortened its web site address to greensboro-nc.gov.

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The Mayor called for a recess at 8:00 p.m.

The meeting reconvened at 8:20 p.m. with all members of Council present.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family to RS-7 Residential Single Family for property located west of Morgan Smith Drive and south of Dodson Street. He stated this matter was being heard on appeal filed by Sue Terrell Rabon after receiving a vote of 8-0 by the Zoning Commission to recommend approval of the rezoning.

Mr. Martin outlined the request and presented a land use map and slides of the subject property and surrounding area.

The Mayor asked if anyone present wished to be heard:

The following speakers spoke in favor of the ordinance:

Rhonda Washington, residing at 5710 High Point Road, stated that by changing the current zoning from RS-12 to RS-

7, 27 lots instead of 22 lots could be developed. She stated that in response to concerns expressed by residents with respect to traffic flow, she had met with the Greensboro Department of Transportation, who had advised that additional access should be provided by the developer to the development and a stop sign installed on Dobson Street by the City.

Linda Vaughn, employed with Leland Properties in Greensboro, stated the property owner was her client and that the owner no longer wished to pay tax on and maintain the property. She spoke to the value of the property and shared her opinions with respect to the traffic impact on the neighborhood.

The following speakers spoke in opposition to the ordinance:

Sue Rabon, residing at 3539 Cherry Lane, stated that she and her husband owned rental property at 1605 Dodson Street. She requested those present in the Chamber and against the rezoning stand to show their opposition. A moderate number of citizens stood. Ms. Rabon advised that additional traffic and safety of children in the area were her concerns due to the narrowness of streets. She stated her opinions with respect to the potential negative impact that could result as excessive traffic and overcrowding of schools.

Robert Strouth, residing at 1607 Dodson Street, spoke to his impressions of the amount of traffic in the area. He stated that because the road was narrow, with sharp curves and ditches that caused two-way traffic to have to stop for cars to pass each other, he was against the proposed rezoning.

The following speakers spoke in rebuttal in favor of the ordinance.

Ms. Washington stated that, in her opinion, the addition of 5 lots to the existing 22 lots would not significantly impact the area. She advised that efforts had been made to meet with neighbors and address their concerns.

Ruth Wall, residence unknown, stated she had owned the subject property and paid tax on it since 1993. She stated that it was not in her interest to own the property and the rezoning would help her sell the property.

Councilmember Johnson moved that the public hearing be closed. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 12 – Morgan Smith Drive/Dodson Street

The Planning Department recommends that this request be approved.

This area is designated as Low Residential (3-5 dwelling units per acre) and this request for RS-7 is compatible with the Generalized Future Land Use Map.

Furthermore, this request is compatible with comprehensive plan objectives to promote compact, urban development and provide affordable housing opportunities.

In response to questions, Jim Westmoreland, Director of the Transportation Department, advised that due to the low volume of traffic the development would generate, a formal study had not been conducted and that the increase would in his professional opinion, not impact the neighborhood significantly.

Citing the land use map of the property and surrounding area, Councilmember Perkins expressed his opinion that a more comprehensive plan for development of this property and its links to the surrounding area was needed and questioned whether RS-7 could be recommended for all developing RS-12 property.

Mr. Martin advised that this matter would be reviewed during the process of the implementation of the Comprehensive Plan during the next 12 months.

Councilmember Perkins suggested that in undeveloped City areas with rural land features such as stream crossings, methods for public-private funded infrastructure development should be considered to insure development at consistent standards throughout the City. He noted that this was an issue in areas with large tracts of undeveloped or lightly developed

land. Councilmember Burroughs-White requested the City develop educational material for citizens with respect to future land rezoning related to this issue to increase awareness and anticipation of future development.

After additional discussion, Councilmember Phillips moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-190 AMENDING OFFICIAL ZONING MAP

WEST OF MORGAN SMITH DRIVE AND SOUTH OF DODSON STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to RS-7 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the line of Hubert C. Wright as recorded in Deed Book 1275, Page 630 and also being the southern line of Lot 36 of Guilford County Tax Map 418, Block 2; thence along Wright's line N85° 42'00"E 200.10 feet to a point, said point being in the southern right-of-way line of Dodson Street; thence leaving said southern right-of-way line S09° 20'00"E 309.46 feet to a point; thence N81° 49'00"E 77.89 feet to a point; thence S09° 27'00"E 199.83 feet to a point; thence N81° 45'00"E 87.43 feet to a point; thence S08° 53'00"E 452.64 feet to a point; thence S86° 00'00"W 455.14 feet to a point; thence N00° 52'00"W 622.85 feet to a point; thence N09° 20'00"W 324.32 feet to the point and place of BEGINNING, containing 7.04 acres more or less and shown on "Subdivision Sketch Plan Ruth G. Wall Property 1618 Dodson Street" prepared by Borum, Wade and Associates, P.A., dated June 5, 2003.

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances, with respect to Zoning, Planning and Development--landscaping and tree preservation requirements.

Mellisa Bagley, Urban Forester with the Planning Department, stated these revisions were recommended by the Advisory Committee on Trees, Planning Department and Multi-judicial Ordinance Development Committee. She noted that the proposed changes would provide flexible standards, prohibit tree topping and apply to developers' planting requirements.

The Mayor asked if anyone present wished to speak to this matter.

Marlene Sanford stated that she was President of the Triad Real Estate and Building Industry Coalition (TREBIC) and had participated in this ordinance development process. She noted that TREBIC supported the waterwise landscaping provisions and shared her opinion that the revisions made the ordinance more user friendly.

Councilmember Carmany moved that the public hearing be closed. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-191 AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That section 30-3-2, Permit Exemptions, is hereby amended to read as follows:

“30-3-2.5 ~~Land Tree~~ Disturbance Permit Exemptions.

~~Land Tree~~ Disturbance Permits are not required for any of the following land disturbing activities:”

Section 2. That Section 30-3-3, Permits, is hereby amended to read as follows:

“30-3-3.6 ~~Land Tree~~ Disturbance Permit: A tree ~~land~~ disturbance permit is an official authorization which shall be issued by the City ~~prior or simultaneous to the issuance of a grading permit and prior to any land tree disturbing activities; Tree disturbing activities including the cutting of live trees four (4) inches DBH or greater and/or damage to the Critical Root Zone of live trees four (4) inches DBH or greater on sites not accompanied by a development plan, except as stated in 30-5-4.1(A) (Exemptions).~~”

Section 3. That Section 30-3-4.1, Order of Issuance, is hereby amended to read as follows:

“(C) ~~Land Tree~~ Disturbance Permits: ~~Land Tree~~ Disturbance Permits shall be issued in advance or simultaneous to other permits and approvals including watershed development plans and grading permits.”

Section 4 That Section 30-3-5, Permit Expiration, is hereby amended to read as follows:

“30-3-5.3 ~~Land Tree~~ Disturbance Permit Expiration.

- (A) Expiration: If the work authorized by a ~~Land Tree~~ Disturbance Permit has not been completed within one (1) year from the date of issuance, the permit shall become null and void unless renewed pursuant to Section 30-3-5.3 (B).
- (B) Renewal: The ~~Land Tree~~ Disturbance Permit may be renewed for an additional one hundred eighty (180) days by making a written request to the Enforcement Officer justifying the need for the permit renewal. No fee will be required for renewal of the ~~Land Tree~~ Disturbance Permit.”

Section 5. That Section 30-5-3.1, General Requirements, is hereby amended to read as follows:

“(H) Reduction of Minimum Requirements: Unless there is a change in use requiring a lesser number of spaces, the number of spaces shall not be reduced below the minimum requirements of this Ordinance except as provided for in Section ~~30-5-4.1 (C)~~ 30-5-4.5 (E) (Reduction in Parking Requirements ~~for Pre-Existing Developments~~)”

Section 6. That section 30-5-4, Landscaping and Tree Preservation Requirements, is hereby repealed in its entirety and rewritten as follows:

“30-5-4 LANDSCAPING AND TREE PRESERVATION REQUIREMENTS

30-5-4.1 Applicability

- (A) Exemptions: The requirements of Section 30-5-4 shall not apply to the uses and activities listed below. Any applicable requirements of Sections 30-7-1 (Water Supply Watershed Districts), 30-7-2 (General Watershed Areas), 30-7-3 (Watershed Critical Areas), and 30-7-4 (Soil Erosion and Sedimentation Control) still apply.
 - 1) Existing or proposed single family detached dwellings on residentially zoned lots or two-family dwellings on their own lots;
 - 2) Multifamily developments containing eight (8) or fewer dwelling units on a single zone (building) lot;
 - 3) Properties within or surrounded by the Central Business (CB) District;
 - 4) Property lines abutting utility easements in excess of sixty (60) feet in width and all railroad rights-of-way;
 - 5) Property lines abutting dedicated street right-of-way, which has remained unopened for a period of at least fifteen (15) years;

- 6) Tree removal on three thousand (3,000) square feet or less, after the City Urban Forester or Enforcement Officer has determined that such removal is not associated with a forthcoming development proposal and will not be inconsistent with any plan previously approved by the City or County;
 - 7) Property covered by an active forestry management plan written by a North Carolina Registered Forester, provided documentation has been furnished to the City Urban Forester.
- (B) Application: These requirements shall apply to the following:
- 1) New Principal Building or Use: Principal buildings or open uses of land constructed, reconstructed, or established after June 30, 1992.
 - 2) Changes in Use: Changes in use, which result in an increase of two (2) or more in the Land Use Classification number. The requirements of this section shall be applicable to the entire zone lot.
 - 3) Expansions: All expansions of buildings, parking areas, or open uses of land, except the first three thousand (3,000) square feet of expansions to buildings, parking areas, or open uses of land existing on June 30, 1992. The requirements of this section shall be applicable only to the expansion.
 - 4) Tree Disturbance: All other activities for which a Tree Disturbance Permit is required by Section 30-5-4.2(A) (Tree Disturbance Permit).

30-5-4.2 Tree Conservation Plan Procedures

- (A) Tree Disturbance Permit: A Tree Disturbance Permit is an official authorization which shall be issued by the City simultaneous to the issuance of a grading permit and prior to any tree disturbing activities. Tree disturbing activities include cutting and/or damage to the Critical Root Zone of live trees four (4) inches DBH or greater on sites not accompanied by a development plan, except as stated in 30-5-4.1(A) (Exemptions).
- 1) Requirements for a Tree Disturbance Permit:
 - a) Identify the Tree Conservation Area as specified in 30-5-4.4(A).
 - b) The Tree Conservation Area as required for a site based on lot size, as determined in 30-5-4.4(A) must be met.
 - c) Submit a Tree Protection Plan as specified in 30-5-4.2(A) 2) (Tree Protection Plan Approval).
 - 2) Tree Protection Plan Approval: Approval of a tree protection plan is required for all projects, except those listed in subsection 30-5-4.1(A) (Exemptions), and shall be submitted along with all other necessary drawings to the Technical Review Committee. Tree protection items shall be included on all grading plans, erosion control plans and Tree Disturbance Permit plans.
 - 3) Drawings shall identify the following items:
 - a) Boundaries of the required Tree Conservation Area;
 - b) Required planting yards;
 - c) Protected trees within the Tree Conservation Area including tree size and type;
 - d) Critical Root Zone of each proposed protected tree or group of trees;
 - e) Limits of clearing;
 - f) Grading;
 - g) Trenching;
 - h) Required tree protection measures including required fencing and signage;

- i) Overhead and underground utilities and easements;
- j) Areas of reforestation, if any;
- k) Stream buffers, if any;
- 4) The following required notes shall be indicated on tree preservation plans, erosion control plans, grading plans and Tree Disturbance Permit plans in capital letters:
 - a) Contact the City Urban Forester to set up a pre-construction meeting prior to any tree disturbance.
 - b) All tree protection devices must be installed prior to inspection by the City Urban Forester or Enforcement Officer and prior to any tree disturbance activities.
 - c) Removal or damage of trees in the Tree Conservation Area will be subject to the penalties established in 30-5-4.10 (Penalties) of the Section 30-5-4 Landscaping and Tree Preservation Requirements.
- 5) These plans shall be reviewed by the City Urban Forester or Enforcement Officer for conformance with applicable provisions of this Section, 30-5-4 Landscaping and Tree Preservation Requirements and for tree and vegetation viability. The plans will either be approved or returned for revisions. Reasons for return shall be noted on the proposed plan.
- 6) All tree protection measures shall be installed prior to inspection by the City Urban Forester or Enforcement Officer and prior to tree disturbance.
- 7) The City Urban Forester or Enforcement Officer will conduct follow-up site inspections for enforcement of the tree protection requirements of the UDO.

(B) Provisions for Preservation of Existing Trees:

- 1) General: Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of Section 30-5-4 Landscaping and Tree Preservation Requirements may be used to satisfy the tree requirements of the planting area. The protection of tree stands, rather than individual trees, is strongly encouraged.
- 2) Protection of Existing Trees: To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:
 - a) The Tree Conservation Area shall include land within the Critical Root Zone as provided in this section.
 - b) Construction site activities such as parking, material storage, dirt stockpiling, concrete washout and other similar activities shall not be permitted within the Tree Conservation Area.
 - c) Changes that significantly raise the grade of soil adjacent to the Tree Conservation Area shall be avoided.
 - d) A reasonable effort should be made to have utility line trenches and similar uses avoid the Tree Conservation Area. Due to certain site conditions, where disturbance within the Tree Conservation Area is unavoidable, underground tunneling or directional boring of utilities is preferred. Trenching shall be used only as the last alternative and root pruning equipment specifically designed for that purpose shall be used.
 - e) Protective fencing shall be installed around the Tree Conservation Area prior to any tree disturbing activities. Such fences shall be at least four (4) feet high and shall consist of orange polyethylene safety fencing. Fencing shall remain in place until construction is

complete and other landscaping has been installed, and the City Urban Forester or Enforcement Officer has approved its removal.

- f) The Tree Conservation Area should be designated as such with “Tree Conservation Area” signs posted visibly on the outside of the fenced-in area. Signs may not be posted on the trees.

(C) Evaluation of Specimen Trees and Stand of Trees: Existing specimen trees and stands of trees must meet the following conditions to be considered for the Tree Conservation Area:

- 1) A life expectancy of greater than ten (10) years;
- 2) A relatively sound and solid trunk with no extensive decay;
- 3) No major insect or pathological problems.

(D) Dead or Unhealthy Trees:

- 1) No credit will be allowed for any dead tree, any tree in poor health, or any tree subjected to grade alterations.
- 2) Except for storm damage, the death of any tree used for preservation credit within five (5) years of site development shall require the landowner to plant new trees equal to the number of credited trees. After five (5) years any tree(s) that were used for preservation credit that die shall require a replacement canopy tree(s) be replanted in accordance with 30-5-4.9 (B) 1) (Canopy Tree Size).
- 3) The City Urban Forester may require trees left standing outside of the Tree Conservation Area to be removed if improperly protected or determined to be hazardous.

30-5-4.3 Tree Conservation

(A) Tree Conservation Area: A Tree Conservation Area (TCA) is one or more areas of a site which includes existing trees and their Critical Root Zones. The purpose of the TCA is to encourage the preservation of healthy trees that are four (4) inches or greater in diameter at breast height (DBH).

(B) Critical Root Zone: To preserve existing trees within the designated TCA, the Critical Root Zone of the trees shall be preserved. The Critical Root Zone will include a radius around the tree equal to one (1) foot for every one (1) inch of DBH from the tree trunk as measured at the ground level from the root flare. It is recommended to save the entire Critical Root Zone of each preserved tree. If the entire Critical Root Zone cannot be preserved, tree roots must be cut prior to grading of the site. Should the Critical Root Zone have to be disturbed, the disturbed area shall extend no closer to the protected tree's trunk than the distance specified below:

Diameter of Tree (DBH)	Minimum Distance
4 – 7.9 inches	1 foot for every 1 inch DBH
8 – 22.9 inches	8 feet
23 – 22.9 inches	9 feet
30+ inches	10 feet

(C) Disturbance within the Critical Root Zone will be allowed only on one side of the tree(s) to be saved and only with prior approval by the City Urban Forester.

30-5-4.4 Tree Conservation Area Determination

(A) Extent of TCA: TCA shall be provided in accordance with the chart below. If trees of four (4) inches or greater DBH exist within or partially within these areas, such trees must be saved to the extent possible. The area will be designated TCA and shall not be disturbed except as allowed herein.

SIZE OF PARCEL	TCA REQUIRED TO INCLUDE
0-55,000 sq. ft.	1% of lot area, and be located within the required planting yard.
55,000 sq. ft.- 5 acres	All trees four (4) inches or greater DBH which are located within the required planting yards.
5.01 - 10 acres	All trees four (4) inches or greater DBH which are located within the required planting yard or within fifteen (15) feet of the side and rear property lines, whichever is greater.
Greater than 10 acres	All trees four (4) inches or greater DBH which are located within the required planting yard or within twenty-five (25) feet of the side and rear property lines, whichever is greater.

- (B) No development shall be required to have the TCA exceed fifteen percent (15%) of the total site.
- (C) If there are trees that meet the TCA requirements on other areas of the site, the landowner may request that the required TCA be designated around such trees instead of the usual locations.
- (D) Other Provisions: The requirements of this section may be modified to permit the establishment of the TCA (see 30-5-4.5 Tree Conservation Flexibility Standards).
- (E) Smaller Trees: Trees less than four (4) inches DBH within the TCA may be preserved at the landowner's option and counted toward planting yard requirements as provided herein.
- (F) TCA Selection: In selecting which existing tree stands are to be designated as TCA, the landowner shall give due consideration to building, parking lot, driveway, street and utility location as they relate to the practicality of preservation and shall use the following tree preservation priority list:
- 1) Existing stands of mature hardwoods as highest priority, then
 - 2) Existing stands of younger hardwoods, then
 - 3) Existing specimen trees (as determined by the City Urban Forester or Enforcement Officer), then
 - 4) Existing stands of hardwoods and pine mix, and lastly
 - 5) Existing stands of pine trees. Preservation of single pine trees is not encouraged.
- (G) If it is necessary to pick among two or more stands of trees within a category listed above, the following priority list shall be used:
- 1) Type A planting yards, as a first priority, then
 - 2) Type B planting yards, then
 - 3) Type C planting yards, then
 - 4) Type D planting yards, and lastly
 - 5) Street planting yards.
- (H) The following are permitted in the required TCA provided there is no disturbance to the critical root zone of the preserved trees.
- 1) Landscaping features including planting boxes, sculpture, arbors, trellises and birdbaths.
 - 2) Outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, mailboxes, public utility wires and poles, fences, retaining walls, or similar structures.
 - 3) Cornices, steps, canopies, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers which project not more than two and one-half (2 1/2) feet into any required TCA.
 - 4) Handicap ramps except for porches and landings.
 - 5) Steps not connected to any above-grade structure.
- (I) Tree Removal Inside the Critical Root Zone (TCA): Trees less than four (4) inches DBH not being preserved, undergrowth and plant material in poor condition may be removed from the TCA. No roots shall be removed from the TCA. Stumps may be removed only by grinding. All requests for tree removal within the TCA must have prior approval by the City Urban Forester or Enforcement Officer pursuant to the provisions of this chapter. However, in an emergency situation due to storm damage; to alleviate an imminent hazard to the health, safety and welfare of the citizens; or to repair property damage, prior approval for tree removal in previously approved designated areas is not required.

- (J) All removal of said material shall be done or supervised by an experienced urban forester, landscape architect or certified arborist, who will certify that the tree and root removal or pruning was done in accordance with standard arboricultural practices.
- (K) Any tree within the TCA including the Critical Root Zone, which the landowner chooses to remove or that must be removed due to poor health or impractical means of preservation shall be removed in a manner that is in accordance with standard arboricultural practice so as to cause as little disturbance or harm to those trees intended to be saved as practical.
- (L) Relationship of the TCA and Planting Yards:
- 1) All trees of appropriate size and type preserved in the TCA that are within the planting yard shall be credited toward meeting all or part of the planting yard requirements, except for the street planting yard where there shall be at least one canopy tree, existing or planted, within every fifty (50) linear feet of street planting yard, and the minimum eight (8) foot width shall not be reduced. Credits are to be given for required trees in the same planting yard as the tree(s) preserved in accordance with the chart below.
- | DBH of Existing Tree(s) | Number of Trees Credited |
|-------------------------|--------------------------|
| 4 - 7.9 inches | 1 tree |
| 8 - 22.9 inches | 2 trees |
| 23 - 29.9 inches | 3 trees |
| 30+ inches | 4 trees |
- 2) Any area in a TCA shall count as a portion of a planting yard or parking lot planting area.
 - 3) No new landscaping is required within a TCA unless it is contiguous to existing single family development and it is needed to shield abutting parking lots, access drives, loading areas and outside storage.

30-5-4.5 Tree Conservation Flexibility Standards

- (A) Stream Buffer Credits: Properties falling under the Storm water Management Control Requirements which are required to maintain an undisturbed stream buffer may use some or all the buffer to satisfy the required TCA if that undisturbed stream buffer contains trees that are a minimum of four (4) inches in diameter at breast height (DBH).
- (B) Land Dedication: Land that is dedicated to the City that is contiguous to the property being developed may be used towards the tree preservation requirement, if the dedicated land contains trees that are a minimum of four (4) inches in diameter at breast height (DBH).
- (C) Reforestation Credits: In situations where TCA requirements cannot be met based on site conditions and when approved by the City Urban Forester, reforestation efforts on the property can be used to satisfy up to fifty percent (50%) of the required TCA.
- (D) Tree Preservation Adjacent to or Within the Parking Lot and Parking Lot Plantings: For new, expanded, or rebuilt parking lots where trees are being preserved adjacent to the parking lot in order to meet the parking lot planting requirements, trees preserved in a TCA and within eight (8) feet of the parking lot may be used to satisfy up to fifty percent (50%) of the required number of parking lot trees. TCA that is “notched into” corners or edges of a parking lot is deemed to be within the parking lot, not adjacent to it. Trees in the TCA counted toward planting yard requirements may not count for required parking lot trees. Extra trees in such locations do count. It is the landowner’s option to save trees within the parking lot. In order to do so, the Critical Root Zone must be preserved. Credits for preserving parking lot trees are determined by the Critical Root Zone preserved for the tree being saved (see 30-5-4.3(B) Critical Root Zone). One tree for every two hundred (200) square feet of critical root zone preserved may be used to satisfy up to fifty percent (50%) of the required number of parking lot trees.
- (E) Reduction in Parking Requirements: To allow an existing development to retrofit parking to conform to the landscaping regulations, or to allow an existing or new development to preserve trees within or adjacent to a

parking lot, the number of required off-street parking spaces may be reduced by the City Urban Forester or Enforcement Officer by up to ten percent (10%).

- (F) Waivers: The City Urban Forester or Enforcement Officer shall have the authority to allow reduced planting yards or to waive the planting yard requirements to allow for a greater TCA in another area or make other exceptions, which meet the spirit and intent of this section. Additionally, if the City Urban Forester or Enforcement Officer concludes that due to existing unusual or unique site characteristics, preserving some or all required trees in the TCA(s) would create an undue or unreasonable hardship, then the protection of some or all of required trees in the TCA(s) may be waived.

30-5-4.6 Landscape Plan Procedures

- (A) Landscaping Plan Approval: An applicant must receive approval of a landscape plan from the Enforcement Officer, except in accordance with Section 30-3-11.4(B)2) in which case a landscape plan must be submitted within ninety (90) days after issuance of the building permit.
- (B) Installation of Plant Materials:
- 1) Installation of plant material shall occur prior to the issuance of a Certificate of Compliance.
 - 2) If at the time of a request for a Certificate of Compliance, the required planting areas are not complete and it can be determined that:
 - a) plant materials are unavailable,
 - b) completion of the planting areas would jeopardize the health of the plant materials, or
 - c) weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the Enforcement Officer. The landowner shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety equal to the amount of the contract. In no instance shall the surety be for a period greater than one hundred and eighty (180) days. The Enforcement Officer may issue a Temporary Certificate of Compliance but shall not issue a Certificate of Compliance until the planting areas have been completed and approved.

30-5-4.7 Planting Areas:

- (A) Required Planting Areas: The following areas are required to be landscaped:
- 1) Planting yards;
 - 2) Parking lots (excluding vehicle loading, storage, and display areas);
 - 3) Areas with slopes steeper than 3:1.
- (B) Planting Yard Descriptions:
- 1) Street Planting Yard: A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen percent (15%) of the street planting yard may be used for walkways or signs. Parking, merchandise display, and off-street loading are prohibited in the street planting yard.
 - 2) Type A Planting Yard: A high-density screen intended to block substantially visual contact between adjacent uses and create spatial separation. A Type A planting yard reduces lighting and noise, which would otherwise intrude upon adjacent uses.
 - 3) Type B Planting Yard: A medium density screen intended to partially block visual contact between uses and create spatial separation.
 - 4) Type C Planting Yard: A low-density screen intended to partially block visual contact between uses and create spatial separation.
 - 5) Type D Planting Yard: A peripheral planting strip intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.
 - 6) Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

(C) Reforestation of slopes steeper than 3:1.

- 1) Areas having slopes steeper than 3:1 must be reforested to provide tree cover over the entire area. The following standards apply:
 - a) Reforestation shall include a minimum of one (1) tree per two hundred (200) square feet of surface area and shall be made up of a mixture of deciduous hardwood and evergreen trees that are a minimum of twelve (12) inches high at planting and approved by the Enforcement Officer or Urban Forester.
 - b) The trunk of any required tree shall be no closer than ten (10) feet from any other existing tree.

30-5-4.8 Planting Yard Determination

(A) To determine the planting yards required by this Section 30-5-4 Landscaping and Tree Preservation Requirements, the following steps shall be taken:

- 1) Identify the classification of the proposed or expanded land use and of each existing adjacent land use(s) by using Table 30-4-5-1 (Permitted Use Schedule). A proposed land use is considered existing on an adjacent property when a building permit is issued. If a zone lot contains uses with different land use classifications, select the higher numbered classification. If the development qualifies as an integrated multiple use development (refer to definition in Section 30-2-2.7 (General)), the entire development shall be treated as a single zone lot for planting yard and TCA purposes and its land use classification (LUC) shall be that classification applicable to the highest number of uses in the development. (For example, an integrated shopping center containing seven (7) establishments with LUCs of "3" and three (3) establishments with LUCs of "4" shall be classified as a "3".)
- 2) Use the Planting Yard Chart, Table 30-5-4-1, to determine the appropriate letter designation for each planting yard.
- 3) Match the letter designation obtained from the Planting Yard Chart with the Planting Yard and Parking Lot Rate Chart, Table 30-5-4-2, to determine the types and numbers of shrubs and trees required.

(B) Calculation of street planting yards: Street planting yard rate and width calculations shall exclude access drives.

(C) Planting Yard Flexibility Standards:

- 1) Walls, a minimum of five (5) feet in height constructed of masonry, stone or pressure treated lumber, or an opaque fence, a minimum of five (5) feet in height, may be used to reduce the widths of the planting yards by ten (10) feet providing such reductions do not disturb the critical root zone of existing trees.
- 2) Understory trees shall be substituted for canopy trees at the rate of two (2) understory trees for every canopy tree planted within fifteen (15) feet of an overhead power line.
- 3) Canopy trees may be substituted for shrubs at the rate of one (1) canopy tree for eight (8) shrubs and understory trees may be substituted for shrubs at the rate of one (1) understory trees for five (5) shrubs if approved by the City Urban Forester or Enforcement Officer.
- 4) On lots of record, Prior to July 1, 1992 that are less than fifty-five thousand (55,000) sq. ft. in area, no development shall be required to place required landscaping on greater than fifteen percent (15%) of the site. (SEE APPENDIX 5 ILLUSTRATIONS.)

TABLE 30-5-4-1 PLANTING YARD CHART							
EXISTING ADJACENT USE(S)							
Proposed Use	Land Use Classification	Least Intensive	→	→	→	Most Intensive	Undeveloped
Least Intensive	1	*	*	*	*	*	*
↓	2	C	D	D	D	D	D
↓	3	B	B	D	D	D	D
↓	4	A	A	C	D	D	D
Most Intensive	5	A	A	B	C	D	D
* No Planting Yard Requirement							

TABLE 30-5-4-2 PLANTING YARD AND PARKING LOT RATE CHART						
PLANTING RATES						
Type	Average Width (ft.)	Minimum Width (ft.)	Maximum Width (ft.)	Canopy Tree Rate	Understory Tree Rate	Shrubs Rate
Street Yard	8	8	25	2/100 lf	NA	17/100 lf
Type A Yard	50	40	75	4/100 lf (a)	10/100 lf (b)	33/100 lf (c)
Type B Yard	30	25	50	3/100 lf	5/100 lf	25/100 lf
Type C Yard	20	15	40	2/100 lf	3/100 lf	17/100 lf
Type D Yard	5	5	10		2/100 lf	18/100 lf
Parking Lot	NA	NA	NA	1/12 parking spaces	NA	NA
a) Twenty-five (25) feet on center. b) Ten (10) feet on center. c) Three (3) feet on center.						

30-5-4.9 Planting Yard Design and Maintenance Standards

(A) Plant Species: Species used in required planting yards and parking lots shall be of a locally adapted nature. Refer to the recommended plant species list, which includes water wise species, in Appendix 6 (Landscaping). Other species may be approved by the City Urban Forester or Enforcement Officer.

(B) Plant Size: The size of the required plant species is dependant on whether it is drought tolerant or not drought tolerant. Specific plant sizes are listed below:

- 1) Canopy Tree Size: Water wise canopy trees, using required planting techniques must be a minimum of two (2) inches in caliper, measured six (6) inches above grade, when planted (See Section 30-5-4.9 (N)). When mature, a canopy tree should be forty (40) feet high and have a minimum crown width of thirty (30) feet. Other canopy trees must be a minimum of three (3) inch caliper, measured six (6) inches above grade, when planted.

- 2) Understory Tree Size: Water wise understory trees must be a minimum of one (1) inch in caliper, measured six (6) inches above grade, when planted. (See section 30-5-4.9 (N)). When mature, an understory tree should be twenty-five (25) to forty (40) feet high. Other understory trees must be a minimum of two (2) inches in caliper measured six (6) inches above grade at the time of installation.
- 3) Shrub Size and Type: All approved water wise shrubs, using required planting techniques planted parallel to the edge of parking lots, access drives, loading and unloading areas and outside storage shall be evergreen and installed at a minimum size of eighteen (18) inches, spread or height, and reach a minimum height of thirty-six (36) inches and a minimum spread of thirty (30) inches. (See section 30-5-4.9 (N)). Required water wise shrubs in other locations, outside of the areas listed above may be evergreen or deciduous, shall be three (3) gallon in size as per ANSI standards at the time of installation.

(C) **Parking Lot Planting Areas:** For new parking lots, in order to meet the parking lot planting requirements, required canopy tree areas shall be located within the parking lots and adjacent to parking spaces as planting areas between rows of parking spaces, inside medians, at the end of parking bays, or in tree islands. The landowner may provide required planters using one or more of the planter sizes below. Each parking space must be entirely within the designated distance of a parking lot planter as specified below: Each parking lot planting area shall have a minimum inside dimension of seven (7) feet and shall have a minimum area of two hundred (200) square feet. Grouping of parking lot trees within the same island is strongly encouraged, even if this would decrease the number of islands otherwise built within the parking lot. The City Urban Forester or Enforcement Officer may approve a smaller island based on the mature height of that tree species. (See Appendix 6 (Landscaping))

Size of parking lot planter	Number of trees in planter	Distance
200-499 sq. ft.	1	100 ft.
500-899 sq. ft.	3	130 ft.
900+ sq. ft.	5	150 ft.

- (D) **Grouping:** Shrubs and trees may be grouped or clustered in the required planting yards, except for the perimeter landscaping adjacent to parking lots, outside storage, access drives and loading and unloading areas. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one row of evergreen shrubs or evergreen understory trees in all Type A planting yards.
- (E) **Berm Size:** Any berm shall have a minimum height of three (3) feet, a minimum crown width of three (3) feet and a side slope no greater than 3:1 (3 horizontal to 1 vertical).
- (F) **Wall Planters:** Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact (AWPB LP-22 1980 or equivalent). The minimum height of the wall planter shall be thirty (30) inches. The minimum height of shrubs in the wall planter shall be six (6) inches. The effective planting area of the wall planter shall be four (4) feet in width. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.
- (G) **Encroachments Permitted in Required Planting Yards and the TCA:**
- 1) The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area:
 - 2) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
 - 3) Pet shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, HVAC equipment, mailboxes, outdoor fireplaces, public utility wires and poles, pumps, wells, fences, retaining walls, or similar structures.
 - 4) Cornices, steps, canopies, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2 1/2) feet into any required planting yard, but in no case shall be closer than three (3) feet to any property line.
 - 5) Handicap ramps except for porches and landings.
 - 6) Steps not connected to any above-grade structure.

- (H) **Setback Less Than Planting Yard:** If the required building setback is less than the required planting yard width or TCA, the building setback shall control, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.
- (I) **Location of Planting Material Outside Shade of Building:** Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.
- (J) **Obstructions:** Landscaping shall not obstruct the view of motorists using any street, driveway, or parking aisle.
- (K) **Location:** Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Technical Review Committee.
- (L) **Plant Protection:** Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants, or fuels.
- (M) **Maintenance:** The landowner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy, or missing plants (preserved or planted) shall be replaced with new plant material equal to the number of credited trees planted or preserved, subject to the provisions of 30-5-4.2 (Provisions for Preservation of Existing Trees). This plant material shall be sized according to the requirements of Section 30-5-4.9 (Planting Yard Design and Maintenance Standards), and shall be replanted within one hundred and eighty (180) days with vegetation which conforms to the initial planting rates and standards.
- (N) **Water wise Planting Techniques:** The following soil preparation techniques shall be used for all required landscape areas.
 - 1) Soil preparation for the entire landscape yard includes the addition of organic amendments tilled to a depth of eight (8) to twelve (12) inches.
 - 2) All plantings in the landscape yards shall be mulched, including interior parking lot islands less than five hundred (500) square feet to a depth of three (3) to four (4) inches. The mulch shall be free of trash and maintained weed free thereafter.
 - 3) Earthen basins are constructed around the installed plants.
 - 4) Plants, as permitted by this Ordinance, are grouped together where possible.
 - 5) For establishment and survival, plants shall be watered in the first year of planting.
- (O) **Irrigation:** It is suggested that drip irrigation, which includes drip misters, be used for required landscaping planting beds during the required establishment period. After establishment, supplemental watering can be reduced and used on an as needed basis. Traditional spray irrigation is prohibited except for turf areas.
- (P) **Pruning:** All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Trimming and pruning shall be done in strict accordance with the American National Standards Institute (ANSI) standards. Topping is not an acceptable pruning practice. Topping is the reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. The City Urban Forester may require the removal and replacement of any tree(s) that have been topped or excessively trimmed.

30-5-4.10 Penalties

- (A) **Tree Disturbance prior to permit approval:** The penalty for the removal of or damage to trees, prior to the issuance of a tree disturbance permit or TRC approval shall be a civil penalty of ten thousand (10,000) dollars per acre or fraction thereof. (i.e., The civil penalty for a site of 0.35 acres that is cleared prior to TRC approval or prior to the issuance of a tree disturbance permit is \$3500.)

- (B) Removal or damage to Individual Trees after Permit Approval: The penalty for removal of or damage to the Critical Root Zone of a protected tree(s) after the issuance of a Tree Disturbance Permit, or TRC approval, within an approved TCA without approval by the City Urban Forester shall result in a civil penalty as determined by the City Urban Forester, up to the amount shown in the chart below, in addition to the replacement of those trees with quality specimens native to North Carolina.

<u>DBH of Tree Removed or Damaged</u>	<u>Maximum Civil Penalty</u>	<u>Reforestation (4 inch DBH minimum)</u>
4-11.9 inches	\$800	1 tree
12-20.9 inches	\$1600	2 trees
21-28.9" inches	\$2400	3 trees
29-35.9" inches	\$3200	4 trees
36+ inches	\$4000	5 trees

- (C) Removal of an Area of Trees after Permit Approval: The penalty for removal of or damage to an area of protected trees that have not been surveyed after the issuance of a Tree Disturbance Permit or TRC approval, within an approved TCA without approval of the City Urban Forester shall result in a civil penalty of ten thousand (10,000) dollars per acre or fraction thereof but not less than one thousand (1000) dollars. Such areas shall be reforested at a rate of one (1), two (2) inch caliper canopy tree per two hundred (200) square feet.
- (D) Failure to Install or Maintain Tree Protection Devices: There shall be a civil penalty of five hundred (500) dollars per day for failure to install or maintain approved tree protection measures sufficient to protect the TCA beginning with the date the citation is issued and ending when the site is in compliance. The property owner may be subject to any penalties for damage under section B above.
- (E) Failure to comply with the Landscape provisions: There shall be a penalty of five hundred (500) dollars per day for failure to install required landscape material or to replace dead landscape material beginning with the date the citation is issued and ending when the site is in compliance.

30-5-4.11 Alternate Methods of Compliance

(A) General Provisions:

- 1) Alternate landscaping plans, plant materials, planting methods or reforestation may be used where unreasonable or impractical situations would result from application of landscaping or tree preservation requirements. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.
- 2) The Enforcement Officer may approve an alternate plan, which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this Section 30-5-4 Landscaping and Tree Preservation Requirements. The performance of alternate landscaping plans or tree preservation plans shall be reviewed by the City Urban Forester or Enforcement Officer to determine if the alternate plan meets the intent and purpose of this Section 30-5-4 Landscaping and Tree Preservation Requirements. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.
- 3) Decisions of the Enforcement Officer regarding alternate methods of compliance for landscaping may be appealed to the Technical Review Committee as requests for modifications. Decisions of the City Urban Forester regarding alternate methods of compliance for tree preservation and reforestation may be appealed to the Advisory Commission on Trees (ACT).
- 4) Appeals from a decision of the Advisory Commission on Trees (ACT) with regard to alternate methods of compliance shall be to the Board of Adjustment in the nature of certiorari.

(B) RESERVED”

Section 7. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 8. This ordinance shall become effective upon adoption.

(Signed) Yvonne J. Johnson

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing Tatum Place, from Frederick Road northward to its end, a distance of approximately 212 feet.

Following brief remarks by Mr. Martin, the Mayor asked if anyone present wished to speak to this matter.

There being no one present who wished to be heard, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

174-03 RESOLUTION CLOSING TATUM PLACE, FROM FREDERICK ROAD NORTHWARD TO ITS END, A DISTANCE OF APPROXIMATELY 212 FEET

WHEREAS, the owners of all of the property abutting both sides of Tatum Place have requested in writing that said street be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, August 19, 2003 at 6:30 p.m. on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned street have requested in writing that said street be closed to the general public and the City's interest therein released.

2. That the City Council hereby finds as a fact that the closing of the street to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following street is hereby permanently closed to the general public and the City's interest therein released:

TATUM PLACE, FROM FREDERICK ROAD NORTHWARD TO ITS END, A DISTANCE OF APPROXIMATELY 212 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Sandra G. Carmany

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Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution closing an extra section of right-of-way on east side of Westover Terrace, opposite West Wendover Avenue access ramp, running for a distance of approximately 207 feet.

Following brief remarks by Mr. Martin, the Mayor asked if anyone wished to speak to this matter.

No one present wished to be heard.

Councilmember Vaughan moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips, and Vaughan. Noes: None.

175-03 RESOLUTION CLOSING AN EXTRA SECTION OF RIGHT-OF-WAY ON EAST SIDE OF WESTOVER TERRACE, OPPOSITE WEST WENDOVER AVENUE ACCESS RAMP, RUNNING FOR A DISTANCE OF APPROXIMATELY 207 FEET

WHEREAS, the owner of all of the property abutting an extra section of right-of-way on the east side of Westover Terrace, opposite West Wendover Avenue Access Ramp, running for a distance of approximately 207 feet has requested in writing that said street be closed to the general public and the City's interest therein released;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Tuesday, August 19, 2003 at 6:00 p.m. on the closing of said street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owner of all of the property abutting both sides of the hereinafter mentioned street has requested in writing that said street be closed to the general public and the City's interest therein released.
2. That the City Council hereby finds as a fact that the closing of the street to the general public is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of the reasonable means of ingress or egress to his or its property.
3. That the following street is hereby permanently closed to the general public and the City's interest therein released:

AN EXTRA SECTION OF RIGHT-OF-WAY ON EAST SIDE OF WESTOVER TERRACE, OPPOSITE WEST WENDOVER AVENUE ACCESS RAMP, RUNNING FOR A DISTANCE OF APPROXIMATELY 207 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above-mentioned street until such time as said line is no longer required by the City.

(Signed) Donald R. Vaughan

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Moving to the Consent Agenda, Councilmember Phillips moved adoption of the Consent Agenda. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

176-03 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 2, 2003 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 3206 HORSE PEN CREEK ROAD – 11.97 ACRES

WHEREAS, the owner of all the hereinafter described property, which is non-contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 et seq. of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 2nd day of September, 2003, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 3206 HORSE PEN CREEK ROAD – 11.97 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et seq., the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite corporate limits (as of July 31, 2003), said point being in the west line of Young Men's Christian Association of Greensboro, Inc., and also being the southeast corner of Morehead United Methodist Church; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS S 03° 28' 53" W 94.51 feet to a point; thence S 07° 32' 07" W 173.75 feet to a corner with Laura B. and Reba M. Stanley, as recorded in Deed Book 2568, Page 298 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE SATELLITE CITY LIMITS N 86° 15' 06" W 57.71 feet along the east line of The Shadow Group, L.L.C., as recorded in Deed Book 5269, Page 1835 in the Office of the Register of Deeds, to a point; thence S 03° 37' 52" W 382.61 feet along the east line of The Shadow Group to its southeast corner; thence N 86° 13' 32" W 428.00 feet along the south line of The Shadow Group to its southwest corner; thence N 03° 12' 33" W 404.97 feet along the west line of The Shadow Group to a point; thence N 86° 42' 49" W 248.17 feet along the west line of The Shadow Group to a point; thence N 10° 57' 18" W 38.75 feet along the west line of The Shadow Group to a point; thence N 11° 27' 28" W 160.21 feet along the west line of The Shadow Group to a point; thence N 07° 14' 32" E 99.88 feet along the west line of The Shadow Group to a point; thence N 20° 52' 08" W 100.00 feet along the west line of The Shadow Group to a point within the right-of-way of Horse Pen Creek Road; thence N 65° 48' 11" E 521.28 feet to another point within the right-of-way of Horse Pen Creek Road; thence S 15° 23' 01" E 198.03 feet along the east line of The Shadow Group to a point; thence S 82° 14' 24" E 93.96 feet along the east line of The Shadow Group to a point; thence N 81° 51' 54" E 29.56 feet along the east line of The Shadow Group to a point in the west line of Morehead United Methodist Church; thence S 01° 29' 27" W 194.38 feet along the east line of The Shadow Group to the southwest corner of Morehead United Methodist Church; thence S 87° 02' 19" E 164.93 feet along the east line of The Shadow Group to the point and place of BEGINNING, and containing approximately 11.97 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, September 2, 2003, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than August 23, 2003.

(Signed) Thomas M. Phillips

NOTE: The newspaper failed to publish this resolution in accordance with legal requirements. Per Legal Department approval, the resolve clause was amended to fix Tuesday, September 16, 2003 at 6:00 p.m. as the time for the public hearing. The amended resolution was published in accordance with legal requirements.)

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177-03 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 2, 2003 ON THE ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – PROPERTY LOCATED AT 5723 AND 5731 ECKERSON ROAD – 22.312 ACRES

WHEREAS, the owners of all the hereinafter described property, which is non- contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 58.1 et seq. of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 19th day of August, 2003, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (PROPERTY LOCATED AT 5723 AND 5731 ECKERSON ROAD – 22.312 ACRES)

Section 1. Pursuant to G.S. 160A-58.1 et seq., the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite corporate limits (as of July 31, 2003), said point being in the west line of Young Men's Christian Association of Greensboro, Inc., and also being the southeast corner of Morehead United Methodist Church; THENCE PROCEEDING WITH THE EXISTING SATELLITE CITY LIMITS S 03° 28' 53" W 94.51 feet to a point; thence S 07° 32' 07" W 173.75 feet to a corner with Laura B. and Reba M. Stanley, as recorded in Deed Book 2568, Page 298 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE SATELLITE CITY LIMITS N 86° 15' 06" W 57.71 feet along the east line of The Shadow Group, L.L.C., as recorded in Deed Book 5269, Page 1835 in the Office of the Register of Deeds, to a point; thence S 03° 37' 52" W 382.61 feet along the east line of The Shadow Group to its southeast corner; thence N 86° 13' 32" W 428.00 feet along the south line of The Shadow Group to its southwest corner; thence N 03° 12' 33" W 404.97 feet along the west line of The Shadow Group to a point; thence N 86° 42' 49" W 248.17 feet along the west line of The Shadow Group to a point; thence N 10° 57' 18" W 38.75 feet along the west line of The Shadow Group to a point; thence N 11° 27' 28" W 160.21 feet along the west line of The Shadow Group to a point; thence N 07° 14' 32" E 99.88 feet along the west line of The Shadow Group to a point; thence N 20° 52' 08" W 100.00 feet along the west line of The Shadow Group to a point within the right-of-way of Horse Pen Creek Road; thence N 65° 48' 11" E 521.28 feet to another point within the right-of-way of Horse Pen Creek Road; thence S 15° 23' 01" E 198.03 feet along the east line of The Shadow Group to a point; thence S 82° 14' 24" E 93.96 feet along the east line of The Shadow Group to a point; thence N 81° 51' 54" E 29.56 feet along the east line of The Shadow Group to a point in the west line of Morehead United Methodist Church; thence S 01° 29' 27" W 194.38 feet along the east line of The Shadow Group to the southwest corner of Morehead United Methodist Church; thence S 87° 02' 19" E 164.93 feet along the east line of The Shadow Group to the point and place of BEGINNING, and containing approximately 11.97 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 2003, the liability for municipal taxes for the 2003-2004 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2004. Municipal ad valorem taxes for the 2004-2005 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That Tuesday, September 2, 2003 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than August 23, 2003.

(Signed) Thomas M. Phillips

NOTE: The newspaper failed to publish this resolution in accordance with legal requirements. Per Legal Department approval, the resolve clause was amended to fix Tuesday, September 16, 2003 at 6:00 p.m. as the time for the public hearing. The amended resolution was published in accordance with legal requirements.)

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178-03 RESOLUTION GRANTING AN ENROACHMENT ON STREET RIGHTS-OF-WAY TO THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AS FOLLOWS: ACROSS SPRING GARDEN STREET AT THE INTERSECTION OF HIGHLAND AVENUE AND SPRING GARDEN, AND ALONG HIGHLAND AVENUE.

WHEREAS, the University of North Carolina at Greensboro has requested an encroachment agreement from the City for the underground installment of 650 total linear feet of chilled water main and telecommunication conduit in order to serve the University needs;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the chilled water mains and telecommunications line which would require boring under Highland Avenue and Spring Garden Street;

WHEREAS, following installation, the University of North Carolina at Greensboro, will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, the University of North Carolina at Greensboro as a "governmental institution", is excluded from paying an encroachment fee;

WHEREAS, the University of North Carolina at Greensboro understands that this encroachment is not for resale and cannot exist as an income producing fiber line or provide cable television. When this right-of-way use is no longer needed, the University of North Carolina at Greensboro will be responsible for the removal of infrastructure and an inspection of this site is required by the City of Greensboro, prior to City Council review, in order to terminate the agreement. Inspection fees will be charged according to the current pricing structure.

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, the University of North Carolina at Greensboro, upon the execution of an encroachment agreement prepared by the City Attorney, shall be authorized to encroach in the above described street right-of-way for the installation of chilled water main and telecommunication conduit on Spring Garden Street and Highland Avenue as shown on the attached map.

(Signed) Thomas M. Phillips

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179-03 RESOLUTION GRANTING AN ENCROACHMENT ON STREET RIGHTS-OF-WAY TO THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AS FOLLOWS: CROSSING 948 WALKER AVENUE, 1006 WALKER AVENUE AND 401 S. TATE STREET

WHEREAS, the University of North Carolina at Greensboro has requested an encroachment agreement from the City for the underground installment and overhead installment of 262 total linear feet of fiber optic cable in order to serve the University needs;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require installing a concrete encased 2-inch conduit, buried at 18-inch depth, to extend from the manhole location in a northeasterly direction to a Duke Energy pole located at the base of the Brown building entry steps, as shown on the attached maps;

WHEREAS, following installation of said cable, the University of North Carolina at Greensboro, will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, the University of North Carolina at Greensboro as a “governmental institution”, is excluded from paying an encroachment fee;

WHEREAS, the University of North Carolina at Greensboro understands that this encroachment is not for resale and cannot exist as an income producing fiber line or provide cable television. When this right-of-way use is no longer needed, the University of North Carolina at Greensboro will be responsible for the removal of infrastructure and an inspection of this site is required by the City of Greensboro, prior to City Council review, in order to terminate the agreement. Inspection fees will be charged according to the current pricing structure.

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, the University of North Carolina at Greensboro, upon the execution of an encroachment agreement prepared by the City Attorney, shall be authorized to encroach in the above described street right-of-way for the installation of fiber optic cable on Walker Avenue and Tate Street as shown on the attached map.

(Signed) Thomas M. Phillips

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03-192 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS FUND BUDGET FOR THE PURPOSE OF PROVIDING FUNDING FOR LARGE SCALE PETROLEUM FIRE EQUIPMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follow:

That the appropriation for the Federal, State, and Other Grants Fund Budget be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4060-01.5239	Miscellaneous Equipment	\$ <u>475,200</u>
TOTAL:		\$ 475,200

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund Budget accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4060-01.7100	Federal Grant	\$ 332,640
220-4060-01.8620	Donations	91,531
220-4060-01.9101	General Fund Transfer	<u>51,029</u>
TOTAL:		\$ 475,200

(Signed) Thomas M. Phillips

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Motion to make a part of the minutes report of budget adjustments covering period of July 1-31, 2003 was unanimously adopted by Council.(A copy of the report is filed in Exhibit Drawer O, Exhibit Number 1, which is hereby referred to and made a part of the minutes.)

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Motion to approve minutes of regular meeting of August 4, 2003 was unanimously adopted by Council.

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The Mayor introduced a resolution authorizing Agreement between the City of Greensboro and North Carolina Department of Transportation to provide for a North Carolina Department of Transportation Grant in the amount of \$750,000 to prepare the US 29 at Eckerson Road Environmental Document and Preliminary Design.

The City Manager advised that this agreement provided funds from a State Transportation grant to prepare the preliminary design of the developing northeastern part of the City at US 20 and Eckerson Road.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

180-03 RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY OF GREENSBORO AND NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR A NORTH CAROLINA DEPARTMENT OF TRANSPORTATION GRANT TO PREPARE THE US 29 AT ECKERSON ROAD ENVIRONMENTAL DOCUMENT AND PRELIMINARY DESIGN

WHEREAS, the North Carolina Department of Transportation has prepared for the City to retain and oversee a transportation engineering and planning consultant in the preparation of an Environmental Document and Preliminary Design for Project R-4707, Guilford County, said project consisting of the replacement of the Eckerson Road Interchange on US 29 with a new interchange designed to meet future traffic demands; and upgrade US 29 to accommodate future interstate standards and widen from a four-lane median divided to a six-lane median divided section for approximately one mile.

WHEREAS, the Municipality, at no expense to the Department, has agreed to retain and oversee a transportation engineer for said project; and,

WHEREAS, the Department agrees to reimburse the Municipality for 100% of the actual costs, including administrative costs, of the work performed for the Department in relation to this project (Estimated cost of project is not to exceed \$750,000.00).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That said project is hereby formally approved by the City Council of the City of Greensboro and that the Mayor and Clerk are hereby empowered to sign and execute the agreement with the Department of Transportation.

(Signed) Yvonne J. Johnson

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Mayor Holliday introduced an ordinance amending in the amount of \$750,000 the State and Federal Grants Fund Budget for FY 2003-2004 Eckerson Road/US 29 Environmental Study Grant.

Following brief remarks by the City Manager, Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

03-193 ORDINANCE AMENDING STATE AND FEDERAL GRANTS FUND BUDGET FOR FY 2003-2004 ECKERSON ROAD/US 29 ENVIRONMENTAL STUDY GRANT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO

That the State and Federal Grant Fund Budget of the City of Greensboro is hereby amended as follows:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
220-4558-01.5413	Consultant Services	750,000
Total		\$750,000

And that this increase be financed by increasing the following State and Federal Grants Fund Accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4558-01.7110	State Grant	\$750,000
Total		\$750,000

(Signed) Yvonne J. Johnson

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The Mayor introduces a resolution approving City participation in acquiring sanitary sewer right-of-way for Sutton Oaks Development.

Butch Simmons, Director of the Engineering and Inspections Department, briefly explained the City's participation in this process. He advised that approval of the request would allow surveyors on the property and facilitate an offer for the property based on a current survey instead of existing Guilford County or City of Greensboro maps. He noted that if an offer was not accepted, the process would proceed to condemnation.

Dorothy Hurley, residing at 5609 Scotland Road, spoke to her personal history and its relevance to her property. She stated that she had not received complete information with respect to the planned sewer line and did not want the process to proceed without that.

The Mayor explained that this action would facilitate completion of information by allowing a physical survey of the properties involved.

Ruth Short, residing at 2005 Sprucewood Drive, spoke to concerns that could result from the sewer line installation with respect to an existing creek and related erosion on her property.

During discussion with Council, Mr. Simmons outlined the planned course of the sewer line.

Marshall Hurley, attorney with offices located at 101 West Friendly Avenue, spoke to concerns with respect to unclear information among the developer, property owners and City. He requested that more work be done prior to Council making a

decision on the present matter and noted that a map he had been provided with by the City that lacked an up to date street name.

Chief Deputy City Attorney Wood advised that an up to date survey was not completed yet due to the lack of the developer's authority to survey the property.

Assistant City Manager Johnson explained that the City's interest in the project was in the long-term development of sewer service in the recently annexed area.

Mr. Hurley stated that in his opinion, for the process for negotiating purchase with property owners to be fair, updated maps needed to be considered.

Keith Battle, developer of 45 homes in the area, explained that the current proposal for sewer line had been submitted because in his opinion, it impacted fewer property owners than other possible options and was preferred by the Water Resources Department to a sewer lift station. He advised that not all property owners involved in the proposal had allowed surveying on their property and that this action would allow true value property assessments by allowing completion of surveys.

During additional discussion the Mayor suggested that the process move forward and that staff be directed to make sure the Hurley family received current and applicable data and maps.

Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins and Phillips. Noes: Vaughan.

181-03 RESOLUTION APPROVING CITY PARTICIPATION IN ACQUIRING SANITARY SEWER RIGHT-OF-WAY FOR SUTTON OAKS DEVELOPMENT

WHEREAS, Sutton Oaks Development is in the process of developing 28 acres of property in the Sedgefield area of the County which may be annexed into the City in the near future;

WHEREAS, after unsuccessful attempts to purchase the necessary right-of-way to install sewer privately, the developer requested assistance from the County for acquiring said right-of-way;

WHEREAS, the County declined assistance, given the likelihood that the property would be annexed into the City at some point;

WHEREAS, Sutton Oaks Development has requested City participation in acquiring the necessary right-of-way for property that is located in its entirety within the current water and sewer service area;

WHEREAS, installation of the gravity sewer will provide sanitary sewer availability to approximately 127 acres within the City service area, of which, the Sutton Oaks Development will occupy 28 acres.

WHEREAS, to date, the developer has met all the requirements of the Water Resource Department in attempting to acquire the necessary right-of-way for this project;

WHEREAS, the Water Resources Department is in agreement with assisting in the acquisition of the necessary right-of-way, which may include providing access to the property for surveying, negotiating the sale of the easements, including condemnation of the properties, if necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Water Resources Department is hereby authorized to participate in the acquisition of the necessary right-of-way which will enable Sutton Oaks Development to utilize the City sanitary sewer system.

(Signed) Florence F. Gatten

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Mayor Holliday introduced a resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Carriage Crossing Homeowners Association in connection with the Iron Carriage Court Outfall Project.

After the City Manager advised that staff requested this item be deleted from the agenda, Councilmember Vaughan

moved that the item be deleted. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

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The Mayor introduced options for consideration with respect to a decision on connection of Leland Drive and Wireless Drive.

Assistant City Manager Johnson reviewed key issues pertaining to this matter including timeline and history of City Council, involvement of the developer, community, and staff in the subject item; results of Council directed staff connectivity review of Leland Drive and Wireless Drive connection; list of Council options for resolving this matter; and map of approved sub-division plan for the Dungee Heirs property. He explained a number of options that could be chosen to resolve this matter, advised that staff recommended the last option and clarified answers to questions raised by Council.

Gene Manning, residing at 307 Leland Drive, stated that a large majority of the neighborhood was against a connection. In response to Councilmember Phillips, Mr. Manning advised that the option of not completing Wireless Drive would be acceptable to the neighborhood.

Michael Cook, residing at 1601 Leland Drive, reiterated that the neighborhood supported not connecting Wireless Drive to avoid use of the neighborhood as a cut through to Pisgah Church Road and Lawndale Drive.

Sharon Ricketts, residing at 104 Leland Drive, stated she represented her family and neighbors in support of not connecting Wireless Drive into Leland Drive.

Scott Ramie, residing at 102 Bent Oak, reiterated cut through concerns expressed by Mr. Cook with respect to connection of Wireless and Leland Drive.

Councilmember Phillips moved to instruct the City staff to not require Wireless Drive to be constructed between the entrance driveway to the Blumenthal Home to the southern curb line of Leyland Drive except for the construction of the sidewalk and required utilities. The motion was seconded by Councilmember Perkins. After the Mayor stated the vote was 8-1, Councilmember Jessup stated that his vote did not reflect his intent, Councilmember Vaughan moved to instruct the Clerk clear the board. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council. The motion was thereupon adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, Phillips and Vaughan. Noes: None.

After the Mayor complimented staff and Councilmember Perkins for finding a solution to this matter, Councilmember Perkins noted that the neighborhood wanted a park developed in the area.

(A copy of the information and options presented to Council is filed in Exhibit Drawer O, Exhibit # 12 and is hereby referred to and made a part of the minutes.)

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Councilmember Johnson stated that James Kee had inadvertently been appointed to the Community Resource Board while serving on the Board of Adjustment. She thereupon moved that James Kee be removed from the Community Resource Board. The motion was seconded by Councilmember Burroughs-White and unanimously adopted by voice vote of Council.

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Councilmember Burroughs-White added the name of Daniel B. O'Shae to the boards and commissions data bank.

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Councilmember Burroughs-White moved that Annie B. Ratliff be appointed to serve the unexpired portion of term of Matthew Johnson on the Community Resource Board; this term will expire 15 August 2004. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

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Councilmember Vaughan added the name of Gunnar Fromen to the Boards and Commissions data bank.

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Councilmember Jessup moved that Charlotte Dumencich be reappointed to serve an additional term on the War Memorial Coliseum Commission; this term will expire 15 August 2006. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

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Councilmember Carmany added the names of Gail Stroud and Palmer Smith McIntyre to the boards and commissions data bank.

Councilmember Carmany moved that Robert Faison be reappointed to serve an additional term on the Community Resource Board; this term will expire 15 August, 2005. The motion was seconded by Councilmember Gatten and unanimously adopted by voice vote of Council.

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Councilmember Perkins moved that Reid Phillips be reappointed to serve an additional term on the Community Resource Board. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council. He noted that Mr. Phillips was recently elected Chair of this board.

Councilmember Perkins moved that Joyce Lewis be reappointed to serve an additional term on the Board of Adjustment; this term will expire 15 June 2006. The motion was seconded by Councilmember Phillips and unanimously adopted by voice vote of Council.

Councilmember Perkins moved that Mike Fox be appointed to fill the expired term of Joann Preston on the Planning Board; this term will expire 15 August 2006. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Councilmember Perkins moved that Ann Bowers be reappointed to serve an additional term on the Historic Preservation Commission; this term will expire 15 August 2006. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Councilmember Perkins moved that Tom Hall be reappointed to serve an additional term on the Advisory Committee on Trees; this term will expire 15 August 2006. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Perkins moved that Gary Wolf be reappointed to serve an additional term on the Zoning Commission; this term will expire 15 August 2006. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

Councilmember Perkins moved that Brian Byrd be reappointed to serve an additional term on the Zoning Commission; this term will expire 15 August 2006. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

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Councilmember Gatten added to the boards and commissions data bank the names of Tim Rice for consideration for future service on the War Memorial Commission and Jeri D'Lugin for consideration for future service on the Community Resource Board.

Councilmember Gatten moved that Denise Maleska be appointed to the Historic Preservation Commission in the position formerly held by Margaret Barrett; this term will expire 15 August 2006. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Councilmember Gatten moved that Brenda J. Gerald-Covington be reappointed to serve an additional term on the Greensboro Transit Authority; this term will expire 15 August 2006. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

Councilmember Gatten moved that Richard "Dick" Grubar be reappointed to serve an additional term on the War Memorial Commission; this term will expire 15 August 2006. The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of Council.

Councilmember Gatten moved that Gary Paul Kane be reappointed to serve an additional term on the Advisory Commission on Trees; this term will expire 15 August 2006. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of Council.

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Council spoke to various recent and future community events. Councilmember Johnson advised that at a recent park event the grass was high; she requested mowing in parks prior to community events.

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Councilmember Phillips stated he had received complaints concerning the unsanitary impact of geese on Country Park, Oka T. Hester Park and other parks. He requested staff look at options to control the problem of an increasing goose population.

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Councilmember Vaughan moved to adjourn to meet in Closed Session for the purpose of discussing an industrial expansion. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

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The City Council adjourned at 10:38 p.m.

Susan E. Crotts
Deputy City Clerk

Keith A. Holliday
Mayor
